

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Douglas J. Hill,)	C/A No. 5:12-cv-01428-MGL-KDW
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Plaintiff,)	
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)	
v.)	Report and Recommendation
)	
)	
)	
Lt. Leslie Davis,)	
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)	
Defendant.)	
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Plaintiff, proceeding pro se and *in forma pauperis*, brought this action alleging violations of his constitutional rights pursuant to 42 U.S.C. § 1983. Defendant filed a Motion to Dismiss for Lack of Prosecution on March 19, 2013. ECF No. 42. As Plaintiff is proceeding pro se, the court entered an order on March 20, 2013 pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), advising him of the importance of a motion to dismiss and of the need for him to file an adequate response. ECF No. 43. Plaintiff was specifically advised that if he failed to respond adequately, Defendant's motion may be granted, thereby ending this case. Notwithstanding the specific warning and instructions set forth in the court's *Roseboro* order, Plaintiff has failed to respond to the motion.

On May 10, 2013, the court ordered Plaintiff to advise the court by May 27, 2013 whether he wished to continue with the case. ECF No. 47. Plaintiff has filed no response. As such, it appears to the court that Plaintiff does not oppose Defendant's motion and wishes to abandon his action. Based on the foregoing, the undersigned recommends that this action

against Defendant be dismissed with prejudice for failure to prosecute, thereby ending this matter. *See Davis v. Williams*, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b).

IT IS SO RECOMMENDED.



May 31, 2013
Florence, South Carolina

Kaymani D. West
United States Magistrate Judge